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A New York Limited Liability Partnership
Lawrence R. Sandak, Managing Resident Partner

February 8, 2013

VIA ECF and NEXT BUSINESS DAY DELIVERY

Honorable Peter G. Sheridan, U.S.D.J.
United States District Court
District of New Jersey
Clarkson S. Fisher Federal Bldg. & U.S. Courthouse
Room 4050
402 E. State Street
Trenton, NJ 08608

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*Plaintiffs' Motion To Dismiss [ECF No. 11]
is denied as moot.*

SO ORDERED: *Peter W. Sherman*
DATED: 2/8/13

Re: Telecommunications Research Laboratories d/b/a TR LABS et al. v. BT Americas, Inc.
Civil Action No.: 3:12-cv-6828 (PGS) (DEA)

Your Honor:

We represent BT Americas, Inc. ("BT Americas") in the above-referenced patent infringement litigation, a case that is one of the cases subject to MDL Order No. 2396. On January 15, 2013, our client filed a Motion to Dismiss the Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) and in the Alternative, to Stay Plaintiffs' Claims Against BT Americas, Inc. (Dkt. No. 11.) Plaintiffs responded by filing an Amended Complaint (Dkt. No. 19) on January 29, 2013, in which Plaintiffs dropped five of the seven patents that were originally asserted against BT Americas, Inc., in the original Complaint. BT Americas submitted an Application for a Clerk's Order to extend the time to answer, move, or otherwise respond to the Amended Complaint. Magistrate Judge Arpert entered an Order on February 4, 2013 (Dkt. No. 23), that BT Americas has until February 27, 2013, to answer, move, or otherwise respond to the Amended Complaint.

We were surprised to see that on February 5, 2013, Plaintiffs filed an Opposition to BT Americas' Motion to Dismiss Pursuant To Fed. R. Civ. P. 12(b)(6) Or To Stay Proceedings (Dkt. No. 24), because we understood Plaintiffs' Amended Complaint to moot BT Americas' motion, which was directed against the original Complaint asserting seven patents, not the Amended Complaint asserting two patents that is the currently operative pleading to which BT Americas must answer, move or otherwise respond. BT Americas intends to move to dismiss the Amended Complaint, or in the alternative to stay proceedings against BT Americas pending resolution of Plaintiffs claims against BT Americas' supplier Qwest. Under Magistrate Judge Arpert's Order, we have until February 27, 2013 to do so.

We contacted Chambers and spoke to Your Honor's Law Clerk, who indicated that he believed our understanding to be correct, but suggested we communicate with opposing counsel on this matter and also submit a letter to the Court. We have informed opposing counsel of our understanding and how our client intends to proceed. (Exhibit A.) Although Plaintiffs' counsel responded that Plaintiffs did not intend to moot BT Americas' motion, we continue to believe that is the legal effect.

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Consequently, BT Americas intends to file a renewed motion directed to the Amended Complaint rather than file a reply to its motion brought on the original Complaint. If for any reason our understanding is incorrect, we ask that the Court advise us as soon as possible.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wanda L. Ellert". The signature is fluid and cursive, with a large initial "W" and a stylized "L" and "E".

Wanda L. Ellert

WLE:ab

Attachment (Exhibit A)

cc: Counsel for Plaintiffs via ecf and e-mail